

Remarks

I. Status of claims

Claims 1-17 and 39-59 were pending.

Withdrawn claims 18-38 have been canceled without prejudice.

Claims 60-62 have been added.

Dependent claims 3, 13, 15, 52, and 54 have been rewritten in independent form in response to the Examiner's indication that such claims would be allowable. Claim 4 depends from claim 3, claim 14 depends from claim 13, and claim 53 depends from claim 52. Therefore, claims 4, 14, and 53 are in condition for allowance for at least the same reasons as claims 3, 13, and 52, respectively.

II. Claim rejection under 35 U.S.C. § 112

The Examiner has rejected claim 39 under 35 U.S.C. § 112, first paragraph. In particular, the Examiner has taken the position that (see page 2, ¶ 2):

Claim 39 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 39 recites the limitation "following links between multiple ones of the audio summaries and one of the audio pieces". The closest recitation in the original specification is "In some implementations, one or more audio pieces may be linked to multiple representative audio summaries that are incorporated into audio sequence 145" (page 11, lines 15-17). However, the recitation in the specification only requires links between a plurality (one or more) of pieces and a plurality (multiple) of summaries. This is shown by Fig. 7 which is referenced in the specification with respect to the above recitation and depicts a plurality (1, 2,..., M) of pieces and a plurality (1,2,..., M) of summaries with a one-to-one correspondence between the pieces and the summaries.

The Examiner's own statement, however, reveals that the specification expressly discloses the subject matter defined in claim 39. In particular, claim 39 recites "further comprising following links between multiple ones of the audio summaries and one of the audio pieces." The specification teaches that "In some implementations, one or more audio pieces may be linked to multiple representative audio summaries that are incorporated into audio sequence 145" (page 11, lines 15-17). This disclosure therefore expressly teaches that one audio piece may be linked to multiple representative audio summaries. The embodiment shown in FIG. 7, merely corresponds to one of the implementations in which one or more audio pieces may be linked to multiple representative audio summaries that are incorporated into audio sequence 145." The specification repeatedly discloses that an audio piece may be linked to multiple representative audio summaries. For example, in addition to the disclosure on page 11, lines 15-17, the Examiner's attention is drawn to page 7, lines 14-19, page 8, lines 27-31, page 10, lines 17-31, and page 12, lines 16-22.

For at least these reasons, the rejection of claim 39 under 35 U.S.C. § 112, first paragraph, should be withdrawn.

The Examiner has not rejected claim 39 on any basis other than under 35 U.S.C. § 112, first paragraph. Therefore, claim 39 should be in condition for allowance.

III. Claim rejections under 35 U.S.C. § 103 - Part 1

The Examiner has rejected claims 1, 2, 5-12, 16, 17, 41, 42, 45, 46, 50, 51, 55, and 58 under 35 U.S.C. § 103(a) over Oh (US 5,408,449) in view of Takenaka (US 6,807,450).

A. Independent claim 1

Independent claim 1 has been amended and now recites:

1. An audio processing method, comprising:
identifying audio summaries of respective audio pieces,
wherein each of the audio summaries comprises digital content
summarizing at least a portion of the respective audio piece;
determining transition audio segments each comprising a
form of audio content that is different from the audio summaries

and distinguishes the transition audio segment from the audio summaries;

concatenating the audio summaries and the transition audio segments into a sequence in which at least one transition audio segment is between each pair of sequential ones of the audio summaries; and

rendering the sequence.

In support of the rejection of claim 1, the Examiner has stated that:

Regarding Claim 1, Oh discloses a digital audio player with an intro-play function comprising: sequentially reproducing (i.e., rendering) foreparts (i.e., audio summaries) that quickly reveal the contents of (i.e., comprise digital content summarizing) music items (i.e., a respective associated audio piece) (Fig. 6, steps S3-S8; column 6, lines 1-24). Therefore, Oh anticipates all elements of Claim 1 except that Oh is silent as to any transitional audio. Takenaka discloses a digital audio reproduction method (Fig. 5f; column 12, lines 11-29) that provides transition audio segments between the information pieces (i.e., music items). Takenaka further discloses that such an arrangement provides a natural linkage between songs, enhancing listener enjoyment (column 12, lines 42-45). It would have been obvious to one skilled in the art at the time of the invention to apply the transition segments taught by Takenaka to the intro-play function taught by Oh for the purpose of realizing the aforesaid advantages.

In accordance with Oh's teachings, the intro-play function simply renders the forepart (e.g., the first ten seconds) of each music item recorded on a disk without any type of transition between forepart renderings (see, e.g., col. 6, lines 1-24).

In accordance with Takenaka's teachings, an information reproducing device (e.g., an MD player) removes at least one of the beginning and ending portions of each information piece (i.e., song) recorded on a disk and links the resulting compressed information pieces so that they are continuously reproduced without a pause (see, e.g., col. 2, lines 52-62). The portion(s) of each information piece that is(are) removed corresponds to a silent portion, a fade-in portion, or a fade-out portion of the information piece (see, e.g., col. 7, lines 47-56, and col. 11, lines 39-43). In an effort to avoid "unnatural" transitions during the playback of consecutive ones of the compressed information pieces, Takenaka's second embodiment (see the disclosure beginning at

col. 11, line 26) includes a DSP 14 that gradually decreases the sound volume at the end of each compressed information piece and gradually increases the sound volume at the beginning of each compressed information piece (see, e.g., FIG. 5 and col. 11, lines 39-62).

Neither Oh nor Takenaka discloses anything about “determining transition audio segments each comprising a form of audio content that is different from the audio summaries and distinguishes the transition audio segment from the audio summaries.” Oh does not disclose anything about transition audio segments; in accordance with Oh’s teachings the foreparts of each music item is rendered without any type of transition between the foreparts. In accordance with Takenaka’s teachings, the volume-attenuated beginning and ending portions of the compressed information pieces (which the Examiner has asserted constitute transition audio segments) are parts of the same compressed information pieces as the non-volume-attenuated portions of the compressed information pieces (which the Examiner has asserted constitute audio summaries). Since the volume-attenuated portions of the compressed information pieces and the non-volume-attenuated portions are simply different sections of the same audio content (i.e., the same compressed information piece), they are the same form of audio content, not different forms of audio content. In addition, the form of audio content of the volume-attenuated portions of the compressed information pieces does not distinguish the form of audio content of the non-volume-attenuated portions of the compressed information pieces. Consequently, Takenaka does not disclose “determining transition audio segments each comprising a form of audio content that is different from the audio summaries and distinguishes the transition audio segment from the audio summaries.”

Furthermore, neither Oh nor Takenaka discloses anything about “concatenating the audio summaries and the transition audio segments into a sequence in which at least one transition audio segment is between each pair of sequential ones of the audio summaries.” Oh does not disclose anything about transition audio segments; in accordance with Oh’s teachings the foreparts of each music item is rendered without any type of transition between the foreparts. In accordance with Takenaka’s teachings, the DSP 14 does not concatenate the volume-attenuated portions of the compressed information pieces with the non-volume-attenuated portions of the compressed information pieces. Instead, the DSP 14 simply raises and lowers the volume at which the beginning and ending portions of the compressed information pieces are rendered.

For the reasons explained above, the combination of Oh and Takenaka proposed by the Examiner does not teach or suggest all of the features of claim 1 and therefore the rejection of claim 1 under 35 U.S.C. § 103(a) over Oh in view of Takenaka should be withdrawn.

B. Dependent claims 2, 5-12, 16, 41, 42, 45, and 46

Each of claims 2, 5-12, 16, 41, 42, 45, and 46 incorporates the features of independent claim 1 and therefore is patentable over Oh and Takenaka for at least the same reasons explained above.

Claims 2, 9-12, 16, 42, and 46 also are patentable over Oh and Takenaka for the following additional reasons.

1. Claim 2

Claim 2 recites that “identical transition audio segments are rendered between pairs of sequential audio summaries.”

The Examiner has stated that Takenaka discloses this feature in FIGS. 5E and 6 (see page 3, ¶ 5 of the Office action). In accordance with the Examiner's position, the ending portion (e.g., ty1) of a first song (e.g., 1st song) and the beginning portion (e.g., tx2) of the successive song (e.g., 2nd song) constitute “transitions” that are rendered between a pair of songs. These “transitions”, however, are not identical to the “transitions” that are rendered between any other pair of songs. For example, the ending portion (ty1) of the first song and the beginning portion (tx2) of the second song cannot be identical to the ending portion (ty2) of the second song and the beginning portion (tx3) of the third song unless the first, second, and third songs (after having silent portions, fade-in portions, and fade-out portions removed) have beginning and ending portions that are identical. However, nothing in the cited references or the knowledge that was generally available at the time the invention was made would have led one skilled in the art to reasonably believe that the first, second, and third songs (after having silent portions, fade-in portions, and fade-out portions removed) have beginning and ending portions that are identical. To the contrary, one skilled in the art at the time the invention was made reasonably would have expected all the songs recorded on a disk to be different in the application environments taught and suggested by Oh and Takenaka.

In response to this point the Examiner has stated that (see page 9, ¶ 38; emphasis added):

On page 10 of the response applicant alleges that Takenaka fails to disclose "identical transition audio segments" as claimed in Claim 2. Examiner respectfully disagrees. As shown in Fig. 5E in Takenaka, the fade-out and fade-in portions that correspond to the transition audio segments use identical fade-out and fade-in characteristics. As such, the transitions are identical in the plain meaning of the term, since the same transitional method is used each time.

Claim 2, however, does not recite that "the same transitional method is used each time." Instead, claim 2 clearly recites that "identical transition audio segments are rendered between pairs of sequential audio summaries." The fact is that the "transitions" corresponding to the volume-attenuated portions of each of the compressed information pieces disclosed in Takenaka are not identical and therefore, Takenaka does not make-up for the failure of Oh to disclose or suggest this feature of claim 2.

For this additional reason, the Examiner's rejection of claim 2 under 35 U.S.C. § 103(a) over Oh in view of Takenaka should be withdrawn.

2. Claim 9

Claim 9 has been amended and now recites that "at least one audio summary is linked to an associated audio piece by a browsable link."

In support of the rejection of claim 9, the Examiner has stated that:

Regarding Claim 9, Oh further discloses associating item number of a music item (i.e., audio piece) with the forepart (i.e., summary). As such the forepart (i.e., summary) is linked to the music item (i.e., audio piece).

In accordance with Oh's teachings, the forepart and the music item are not distinguished from one another. For example, Oh does not teach or suggest that the forepart is distinguished from the music item by pointers to the beginning and ending locations of the music item corresponding to the forepart, nor does Oh teach or suggest that the forepart is stored as a data item that is separate and discrete from the music item. Instead, Oh teaches that the forepart is

simply the beginning portion of the music item that is reproduced for a "predetermined reference time" during the intro-play operation (see col. 5, line 65 - col. 6, line 6). Since the forepart is an integral constituent portion of the music item that is indistinguishable from the other portions of the music item, there is no need for the forepart to be linked to the music item by a browsable link (i.e., for a portion of the music item to be linked to itself by a browsable link).

In response to this point, the Examiner has stated that (see pages 9-10, ¶ 40):

On page 12 of the response applicant alleges that Oh fails to disclose the audio summaries being linked to associated audio pieces as claimed in Claim 9. Examiner respectfully disagrees. Since each of the foreparts disclosed in Oh represents a respective music item, this representation constitutes a link in the plain meaning of the term.

Each of the foreparts, however, is constituent part of a respective one of the music items. The foreparts are not linked to the respective music items by browsable links.

For this additional reason, the Examiner's rejection of claim 9 under 35 U.S.C. § 103(a) over Oh in view of Takenaka should be withdrawn.

3. Claim 10

Claim 10 has been amended and now recites "rendering a given one of the audio pieces linked by a browsable link to an associated one of the audio summaries in response to user input received during rendering of the associated audio summary, wherein the rendering comprises following the browsable link from the associated audio summary to the given audio piece before rendering a successive one of the transition audio segments."

Claim 10 incorporates the features of claim 9 and therefore is patentable over Oh and Takenaka for the same additional reasons explained above. Claim 10 also is patentable over Oh and Takenaka for the following additional reason.

In support of the rejection of claim 10, the Examiner has stated that:

Regarding Claim 10, Oh further discloses reproducing those music items associated with selected summaries (Fig. 6, step S10; column 6, lines 21-24).

As explained above in connection with claim 9, Oh does not teach anything about browsable links between the music items and the constituent foreparts of the music items. Therefore, Oh does not disclose "rendering a given one of the audio pieces linked by a browsable link to an associated one of the audio summaries in response to user input received during rendering of the associated audio summary," as now recited in claim 10.

In addition, Oh teaches that, the music items corresponding to the music item numbers stored in memory 30 during the intro-play operation are reproduced in recorded order only during the play operation, which occurs only after the intro-play operation has been completed (see FIG. 6, steps S8-S10, and col. 6, lines 13-24). Therefore, Oh does not teach or suggest that "the rendering comprises following the browsable link from the associated audio summary to the given audio piece before rendering a successive one of the transition audio segments," as now recited in claim 10.

For these additional reasons, the Examiner's rejection of claim 10 under 35 U.S.C. § 103(a) over Oh in view of Takenaka should be withdrawn.

4. Claim 11

Claim 11 has been amended and now recites "rendering a given audio piece beginning at a location in the given audio piece linked by a browsable link to an audio summary associated with the given audio piece, wherein the rendering comprises following the browsable link from the associated audio summary to the given audio piece."

In support of the rejection of claim 11, the Examiner has stated that:

Regarding Claims 11 and 12, Oh further discloses reproducing (i.e., rendering) entire music items based on selection of intro clips that reproduce the beginnings of the items (Fig. 6, steps S4, S5; column 5, lines 61-65). As such, Oh discloses rendering audio pieces beginning at a location (i.e., the beginning) linked to an audio summary (that also represents the beginning of the piece).

As explained above in connection with claim 9, Oh does not teach anything about browsable links between the music items and the constituent foreparts of the music items nor does Oh teach anything about following such links from the constituent foreparts to the music

pieces. Therefore, Oh does not disclose “rendering a given audio piece beginning at a location in the given audio piece linked by a browsable link to an audio summary associated with the given audio piece, wherein the rendering comprises following the browsable link from the associated audio summary to the given audio piece,” as now recited in claim 11.

For these additional reasons, the Examiner's rejection of claim 11 under 35 U.S.C. § 103(a) over Oh in view of Takenaka should be withdrawn.

5. Claim 12

Claim 12 recites “rendering a second audio piece at a location in the second audio piece linked to a successive audio summary associated with the second audio piece.”

Claim 12 incorporates the features of claim 11 and therefore is patentable over Oh and Takenaka for the same additional reasons explained above.

6. Claim 16

Claim 16 recites “normalizing audio summaries to a common loudness level.”

In support of the rejection of claim 16, the Examiner has stated that:

Regarding Claim 16, Takenaka further discloses reproduction at a constant level (i.e., normalizing to a common loudness level) (Fig 5E; column 12, lines 30-36).

Contrary to the Examiner's statement, however, Takenaka does not teach or suggest anything whatsoever about normalizing audio data to a common loudness level. In FIG. 5E, Takenaka merely shows the attenuation levels that are applied by the DSP 14 to avoid “unnatural” transitions during the playback of consecutive songs, the second embodiment (see, e.g., the “Amount of Attenuation” label in FIG. 5E, and col. 11, lines 39-62).

In response to this point, the Examiner has stated that (see page 10, ¶ 43):

On page 14 of the response applicant alleges that Takenaka fails to disclose the audio summaries being normalized to a common loudness level as claimed in Claim 16. Examiner respectfully disagrees. Takenaka discloses setting the volume level to maintain

audibility over background noise, which constitutes a normalization (column 12, lines 11-49).

Contrary to the Examiner's statement, however, in column 12, lines 11-49, Takenaka merely discloses the amount by which the DSP 14 attenuates the digital audio data; Takenaka does not disclose anything about normalizing the digital audio data to a common loudness level. In addition, Applicants could not locate where "Takenaka discloses setting the volume level to maintain audibility over background noise, which constitutes a normalization," as stated by the Examiner. Applicants respectfully ask the Examiner to point to the specific part of column 12, lines 11-49 where Takenaka discloses the subject matter relied upon by the Examiner.

For this additional reason, the Examiner's rejection of claim 16 under 35 U.S.C. § 103(a) over Oh in view of Takenaka should be withdrawn.

7. Claim 42

Claim 42 has been amended and now recites "in response to user input during rendering of a current one of the audio summaries that comprises digital content summarizing at least a portion of a given one of the audio pieces, rendering another audio summary in a hierarchical cluster of audio summaries each of which comprises digital content summarizing at least a portion of the given audio piece, wherein the hierarchical cluster includes the current audio summary."

In support of the rejection of claim 42, the Examiner has stated that (see page 5, ¶ 16):

Regarding Claim 42, Oh further discloses incrementing a music number (Fig. 6, step 87) and reproducing the music corresponding to the incremented user number (i.e., another audio summary) (step 83) in response to a memory key input (step 84) where the music selections are numbered selections in a table of contents and, as such, constitute a hierarchical cluster (column , line 54 through column 6, line 17).

The music item foreparts described in Oh, however, are not "in a hierarchical cluster of audio summaries each of which comprises digital content summarizing at least a portion of the given audio piece," as now recited in claim 42. Instead, the music item foreparts are the beginning portions of different respective music items.

For this additional reason, the Examiner's rejection of claim 42 under 35 U.S.C. § 103(a) over Oh in view of Takenaka should be withdrawn.

8. Claim 46

Claim 46 recites "following a pointer from a given audio summary being rendered to a location in an associated audio piece specified by the pointer, and rendering the associated audio piece beginning at the specified location."

In support of the rejection of claim 42, the Examiner has stated that (see page 5, ¶ 17):

Regarding Claims 45, 46 and 58, Oh further discloses a music number that corresponds to the pointer claimed and defines the beginning of the associated selection and subsequently rendering the selected piece from the beginning (Fig. 6, steps 84, 85; column 5, lines 61-65).

Contrary to the Examiner's position, however, Oh does not disclose that his disc player follows a music number from the forepart of a given music item being rendered to a location in the given music item specified by the music number. To the contrary, once a forepart of a given music item is being rendered, Oh's disc player does not follow the music number back to the same forepart. Instead, Oh's disc player plays through the entire sequence of the music item foreparts without repeating.

For this additional reason, the Examiner's rejection of claim 46 under 35 U.S.C. § 103(a) over Oh in view of Takenaka should be withdrawn.

C. Independent claim 17

Independent system claim 17 recites features that essentially track the pertinent features of independent claim 1 discussed above. Therefore, claim 17 is patentable over Oh and Takenaka for at least the same reasons explained above.

D. Claims 50, 51, 55, and 58

Each of claims 50, 51, 55, and 58 incorporates the features of independent claim 17 and therefore is patentable over Oh and Takenaka for at least the same reasons explained above.

Claim 58 also is patentable over Oh and Takenaka for the additional reasons explained above in connection with claim 46.

IV. Claim rejections under 35 U.S.C. § 103 - Part 2

The Examiner has rejected claims 47-49 and 59 under 35 U.S.C. § 103(a) over Oh in view of Takenaka and Setogawa (US 6,424,793).

Each of claims 47-49 incorporates the features of independent claim 1 and dependent claim 46. Setogawa does not make-up for the failure of Oh and Takenaka to disclose or suggest the elements of claims 1 and 46 discussed above. Therefore, claims 47-49 are patentable over Oh, Takenaka, and Setogawa for at least the same reasons explained above.

Claims 47-49 also are patentable over the cited references for the following additional reasons.

Claim 47 depends from claim 46 and recites "further comprising terminating the rendering of the associated audio piece and resuming the sequential rendering of the audio summaries and the transition audio segments."

In support of the rejection of claim 47, the Examiner has stated that (see page 5, ¶ 20):

Regarding Claims 47 and 59, as shown above apropos of Claims 46 and 58, respectively, the combination of Oh and Takenaka makes obvious all elements except returning to summary rendering upon termination of audio piece rendering. Setogawa discloses a replay apparatus that returns to a selection function upon termination of a tune replay (Fig. 18, steps S103-S104; column 19, lines 1-19). Setogawa further discloses that such an arrangement provides improved ease of operation (column 20, lines 48-56). It would have been obvious to one skilled in the art at the time of the invention to apply return to selection function as taught by Setogawa to the combination made obvious by Oh and Takenaka for the purpose of realizing the aforesaid advantage.

Returning to the chapter menu as disclosed in Setogawa (See FIG. 18, steps S103-S104; and col. 19, lines 1-19), however, does not constitute "resuming the sequential rendering of the audio summaries and the transition audio segments," as recited in claim 47. Instead, the chapter

menu merely "has menu buttons for starting a replay immediately at each chapter" (see col. 8, lines 25-34).

Claims 48 and 49 incorporate the elements of claim 47 and therefore are patentable over the cited references for at least the same additional reasons explained above.

Claim 59 depends from claims 58 and 17 and recites features that essentially track the pertinent features of claim 47 discussed above. Therefore, claim 59 is patentable over the cited references for the same additional reasons explained above in connection with claim 47.

V. Claim rejections under 35 U.S.C. § 103 - Part 3

The Examiner has rejected claims 1 and 40 under 35 U.S.C. § 103(a) over Oh in view of Logan (US 2002/0120752).

In support of the rejection of claim 1, the Examiner has stated that (see page 6, ¶ 24):

Regarding Claim 1, Oh discloses a digital audio player with an intro-play function comprising: sequentially reproducing (i.e., rendering) foreparts (i.e., audio summaries) that quickly reveal the contents of (i.e., comprise digital content summarizing) music items (i.e., a respective associated audio piece) (Fig. 6, steps S3-88; column 6, lines 1-24). Therefore, Oh anticipates all elements of Claim 1 except that Oh is silent as to any transitional audio. Logan discloses audio transitions using silence, tone, static or stored audio clips (paras. 0028-0029). Logan further discloses that such an arrangement prevents user annoyance and confusion (para. 0006). It would have been obvious to one skilled in the art at the time of the invention to apply the tone transitions taught by Logan to the intro-play function taught by Oh for the purpose of realizing the aforesaid advantages.

Logan's invention is designed "To address and minimize dead air time incident to negotiation, buffering and pre-buffering when connecting an internet appliance from a first internet media server to a second internet media server..." (see ¶ 7). In one embodiment (¶ 7):

... the system and method described below fills in the dead air time with audio from the first internet media server remaining in the buffer while the system is negotiating, buffering and pre-buffering audio from the second internet media server. While the user switches from the first to the second media server, the user

continues to hear audio already buffered from the first media server. Once the system is ready to play the buffered audio from the second media server, the system stops playing the remaining buffered audio from the first media server and switches to play the buffered audio from the second internet media server. The system either eliminates or minimizes the dead air time perceived by the user.

In another embodiment (cited by the Examiner) (see ¶¶ 28-29):

Alternatively, instead of outputting audio from the second station instantaneously after the second buffer is filled to the low water mark, the system can insert a momentary silence, tone or audio clip between audio from one station to the next. The audio clip can be audio announcing the call letter of the next station or can be static. This will provide a discernable pause between the audio from one station to the next.

If the time for negotiation and play of audio from server IKRK 5 is longer than the remaining buffered audio of server IRQQ 4, the user will not hear broadcast content. There can be silence or the internet appliance can either play some other sound such as static or a stored audio clip. However, the system still minimizes the dead air time in that the system reduces the amount of dead air time the user experiences.

Thus, Logan discloses that dead air time incident to negotiation, buffering and pre-buffering when connecting an internet appliance from a first internet media server to a second internet media server may be minimized by filling in the dead air time with audio from the first internet media server remaining in the buffer while the system is negotiating, buffering and pre-buffering audio from the second internet media server. After the second buffer is filled to the low water mark, the audio from the second station may be output instantaneously or a momentary silence, tone or audio clip can be inserted between audio from one station to the next. A sound such as static or a stored audio clip may be played if the time for negotiation and play of audio from the second server is longer than the audio buffered from the first server.

In accordance with Oh's teachings, however, the intro-play function renders the foreparts (e.g., the first ten seconds) of the music items recorded on a disk consecutively without any type of transition between forepart renderings (see, e.g., col. 6, lines 1-24). Thus, there is no "dead air

time incident to negotiation, buffering and pre-buffering” that needs to be addressed or minimized in the operation of the intro-play function described in Oh. Thus, one skilled in the art at the time the invention was made would not have had any apparent reason to combine the teachings of Oh and Logan, as proposed by the Examiner.

The Examiner's asserted motivation (i.e., to prevent user annoyance and confusion) for combining the teachings of Oh and Logan is irrelevant to the operation of Oh's intro-play function because there is no “dead air time” that needs to be filled during the operation of Oh's intro-play function.

Thus, contrary to the Examiner's position, one skilled in the art at the time the invention was made would not have had any apparent reason to combine the teachings of Oh and Logan to arrive at the inventive subject matter now defined in claim 1.

For at least the reasons explained above, the rejection of claim 1 under 35 U.S.C. § 103(a) over Oh and Logan now should be withdrawn.

Claim 40 incorporates the elements of claim 1 and therefore is patentable over Oh and Logan for at least the same reasons explained above.

VI. Claim rejections under 35 U.S.C. § 103 - Part 4

The Examiner has rejected claims 1, 17, 43, 44, 56, and 57 under 35 U.S.C. § 103(a) over Csicsatka in view of Takenaka (US 2006/0235550).

In support of the rejection of claim 1, the Examiner has stated that (see page 6, ¶ 24):

Regarding Claim 1, Csicsatka discloses a method for creating playlists in a mass storage audio device comprising: playing audio clips from a selected album in album order (i.e., sequentially rendering audio summaries comprising digital content summarizing a portion of an associated piece) (page 1, example 1). Therefore, Csicsatka anticipates all elements of Claim 1 except that Csicsatka is silent as to any transitional audio. Takenaka discloses a digital audio reproduction method (Fig. 5E; column 12, lines 11-29) that provides transition audio segments between the information pieces (i.e., music items). Takenaka further discloses that such an arrangement provides a natural linkage between songs, enhancing listener enjoyment (column 12, lines 42-45). It would have been obvious to one skilled in the art at the time of the invention to apply the transition segments taught by Takenaka to

the playlist creation function taught by Csicsatka for the purpose of realizing the aforesaid advantages.

Neither Csicsatka nor Takenaka discloses anything about “determining transition audio segments each comprising a form of audio content that is different from the audio summaries and distinguishes the transition audio segment from the audio summaries,” as now recited in claim 1. Csicsatka does not disclose anything about transition audio segments; in accordance with Csicsatka's teachings the audio clips of each music item is rendered without any type of transition between the audio clips. In accordance with Takenaka's teachings, the volume-attenuated beginning and ending portions of the compressed information pieces (which the Examiner has asserted constitute transition audio segments) are parts of the same compressed information pieces as the non-volume-attenuated portions of the compressed information pieces (which the Examiner has asserted constitute audio summaries). Since the volume-attenuated portions of the compressed information pieces and the non-volume-attenuated portions are simply different sections of the same audio content (i.e., the same compressed information piece), they are the same form of audio content and therefore the form of audio content of the volume-attenuated portions of the compressed information pieces does not distinguish the form of audio content of the non-volume-attenuated portions of the compressed information pieces. Consequently, Takenaka does not disclose “determining transition audio segments each comprising a form of audio content that is different from the audio summaries and distinguishes the transition audio segment from the audio summaries.”

In addition, neither Csicsatka nor Takenaka discloses anything about “concatenating the audio summaries and the transition audio segments into a sequence in which at least one transition audio segment is between each pair of sequential ones of the audio summaries.” Csicsatka does not disclose anything about transition audio segments; in accordance with Csicsatka's teachings the audio clips of each music item is rendered without any type of transition between the audio clips. In accordance with Takenaka's teachings, the DSP 14 does not concatenate the volume-attenuated portions of the compressed information pieces with the non-volume-attenuated portions of the compressed information pieces. Instead, the DSP 14 simply raises and lowers the volume at which the beginning and ending portions of the compressed information pieces are rendered.

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For the reasons explained above, the combination of Csicsatka and Takenaka proposed by the Examiner does not teach or suggest all of the features of claim 1 and therefore the rejection of claim 1 under 35 U.S.C. § 103(a) over Csicsatka in view of Takenaka should be withdrawn.

Claims 43 and 44 incorporate the elements of independent claim 1 and therefore are patentable over Csicsatka in view of Takenaka for at least the same reasons explained above.

Independent system claim 17 recites features that essentially track the pertinent features of independent claim 1 discussed above. Therefore, claim 17 is patentable over Csicsatka in view of Takenaka for at least the same reasons explained above.

Claims 56 and 57 incorporate the elements of independent claim 17 and therefore are patentable over Csicsatka in view of Takenaka for at least the same reasons explained above.


VII. Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 08-2025.

Respectfully submitted,

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